

8.2.9 HATE CRIMES AND HATE- OR BIAS-MOTIVATED INCIDENTS

The Investigations Bureau will have audit responsibility.

Revised April 14, 2015

8.2.9.1 PURPOSE AND SCOPE

Revised April 14, 2015

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will use all available resources to investigate those incidents. This policy has been developed to follow the provisions of [Penal Code § 13519.6\(c\)](#) and provides guidelines for identifying and investigating incidents motivated by hate or other bias.

8.2.9.2 DEFINITIONS

Revised April 14, 2015

Hate crimes – [Penal Code § 422.55\(a\)](#) defines a hate crime as a criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- a) Disability
- b) Sex
- c) Nationality
- d) Race or ethnicity
- e) Religion
- f) Sexual orientation
- g) Association with a person or group with one or more of these actual or perceived characteristics

Examples of hate crimes include, but are not limited to:

1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the Constitution or laws because of one or more of the actual or perceived characteristics of the victim ([Penal Code § 422.6](#)).
2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim ([Penal Code § 422.6\(b\)](#)).
3. Terrorizing a person with a swastika or burning cross ([Penal Code § 11411](#)).
4. Vandalizing a place of worship ([Penal Code § 594.3](#)).

Hate- or bias-motivated incident - These incidents do not rise to the level of a hate crime as defined by the penal code.

According to the Department of Justice, a hate- or bias-motivated incident is not categorized as a hate crime because it lacks either a criminal act or a bias-motivation. For example, a note reading, "I HATE HOMOSEXUALS" is posted on the door of a residence occupied by a homosexual. That act would be classified as a bias-motivated incident, not a hate crime, because although there was a bias-motivation there was no criminal act. If the words, "I HATE HOMOSEXUALS" were spray painted on the same door, that act would be considered a hate crime because it involved a criminal act and a bias-motivation.

8.2.9.3 PROCEDURE FOR INVESTIGATING HATE CRIMES AND HATE-OR BIAS-MOTIVATED INCIDENTS

Revised April 14, 2015

Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate any suspected hate crime and hate- or bias-motivated incident. The first point of contact is critical in the handling of hate crimes and hate- or bias-motivated incidents. The person who first receives the incident information must be aware of the sensitivity to the distinguishing characteristics of hate crimes, so that the victim and the incident are treated appropriately.

8.2.9.4 PROCEDURE FOR INVESTIGATING HATE CRIMES AND HATE-OR BIAS-MOTIVATED INCIDENTS – PRELIMINARY INVESTIGATING OFFICER

Revised April 14, 2015

When an officer receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following shall occur:

- (a) A supervisor shall be notified of the circumstances as soon as practical.
- (b) The Violent Crimes Detail shall be notified. The Violent Crimes Sergeant is responsible for making the final determination of whether or not the incident will be classified as a hate crime.
- (c) The assigned officer will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime has been committed.
- (d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the incident should potentially be classified as a hate crime.
- (e) Depending on the situation, the assigned officer(s) may request additional assistance from on-call Violent Crimes detectives or other resources to further the investigation.
- (f) Absent prior approval of a supervisor, all reports will be completed and submitted by the assigned officer(s) before the end of the shift.
- (g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure entitled, "[We Care about Your Safety – How to Report & Protect Yourself against Hate Crimes.](#)" ([Penal Code § 422.92](#)). This

- brochure will also be available to members of the general public upon request. The assigned officer(s) should make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.
- (h) At no time will Patrol personnel make notification to the Human Dignity Coordinator. It will be the responsibility of the Violent Crimes Sergeant to make all such notifications regarding hate crimes to the Human Dignity Coordinator.

8.2.9.5 PROCEDURE FOR INVESTIGATING HATE CRIMES AND HATE-OR BIAS-MOTIVATED INCIDENTS – FIELD SUPERVISOR

Revised April 14, 2015

A field supervisor shall be dispatched and respond to all hate crime incidents. The field supervisor shall maintain the flow of information on hate crimes to the Division Commanding Officer. When a hate crime has occurred, a field supervisor will review all reports and ensure proper notifications are made to the Violent Crime Detail.

8.2.9.6 PROCEDURE FOR INVESTIGATING HATE CRIMES AND HATE-OR BIAS-MOTIVATED INCIDENTS – WATCH COMMANDER

Revised April 14, 2015

The Watch Commander will send out an internal Watch Commander Notification using the event type, "Hate or bias motivated incident." This notification will automatically be sent to the Violent Crimes Sergeant and the Command Staff.

The Watch Commander will ensure that proper notification is made to the Violent Crimes Detail.

A hate crime incident is a mandatory after-hours and weekend notification to the Duty Chief. The Duty Chief will assist the Watch Commander in determining whether a CM Staff notification is appropriate. During business hours, the Watch Commander will first consult with the Violent Crimes Sergeant or his/her chain of command before sending out a CM Staff notification.

The Watch Commander or Patrol personnel shall not make a notification to the Human Dignity Coordinator. It will be the responsibility of the Violent Crimes Sergeant to make all notifications to the Human Dignity Coordinator.

8.2.9.7 PROCEDURE FOR INVESTIGATING HATE CRIMES AND HATE-OR BIAS-MOTIVATED INCIDENTS – INVESTIGATING DETAIL RESPONSIBILITY

Revised April 14, 2015

The assigned detective will be responsible for following up on the reported hate crime and hate- or bias-motivated incident as follows:

- a) The handling detective will maintain contact with the victim and other involved individuals as needed.
- b) The handling detective will conduct follow-up investigations as needed.

Other Agencies You May Want To Contact

If you, or someone you know would like to report a hate crime or bias incident, you can contact the **Hate Crimes Hotline at (562) 433-8595**, which is monitored by The LGBTQ Center of Greater Long Beach and The Human Dignity Program.

Other agencies that may assist you include:

The City of Long Beach

Long Beach Police Department..... Emergency 911

Long Beach Police Department -Violent Crimes Detail (562) 570-7250

Long Beach City Prosecutor (562) 570-5600

Human Dignity Program Hate Crimes Response Team .. (562) 570-6730

Community-Based Organizations

The Anti-Defamation League (ADL)

320 N. Broadway, Santa Ana, CA 92701 (714) 953-2860

Asian Pacific American Legal Center

1145 Wilshire Blvd., 2nd Floor #200, Los Angeles, CA 90017 (213) 202-6110

The California Conference for Equality and Justice (CCEJ)

3711 Long Beach Blvd. Ste. 1017, Long Beach, CA 90807 ... (562) 435-8184

The LGBTQ Center of Greater Long Beach (The Center)

2017 E 4th Street, Long Beach, CA 90814 (562) 434-4455

United Cambodian Community

2201 E Anaheim Street #200, Long Beach, CA 90804 (562) 433-2490

Victims of Crime Resource Counseling Center:

Norwalk..... (310) 534-7300

Cerritos..... (562) 402-0414

The Long Beach Trauma Recovery Center:

St. Mary's Medical Center

1050 Linden Ave., Ste. 801, Long Beach, CA 90813.....(562) 491-7977

Los Angeles County

District Attorney:

Long Beach Branch (562) 247-2000

Violent Crime Victim/Witness Assistance Program (562) 247-2068

Rev 5/20/15- VC Detail

(Revised 5/15)

We Care About Your Safety

How to Report And Protect Yourself Against Hate Crimes



Prepared by the

**LONG BEACH POLICE DEPARTMENT,
THE POLICE CHIEF'S LGBTQ ADVISORY GROUP AND
THE CITY OF LONG BEACH HUMAN DIGNITY PROGRAM**



The City of Long Beach
**Human
Dignity**
Program

We Prevent. We Educate. We Respond. We Celebrate.

What is a Hate Crime?

- ✓ A hate crime, as defined in section 422.55 of the California Penal Code, is a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: **Disability, gender, nationality, race, ethnicity, religion, or sexual orientation** – or because of the victim's association with a person or group with one or more of these actual or perceived characteristics.

Note: A “Bias-Motivated Incident” is different than a hate crime, in that it is a non-criminal action or behavior that is motivated by hate, but is protected by the First Amendment right to freedom of expression. *Examples include name-calling, distribution of hate material in public places and the display of offensive hate-motivated material on one's property. Graffiti on an overpass would also be considered a bias-motivated incident, as graffiti needs to be directed at a specific target to be considered a hate crime.*

Regardless, all forms of hate should be reported to the City's Human Dignity Program to be documented at (562) 570-6730.

Know Your Rights!

California Civil code 51.7 states: “All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute, or because another person perceives them to have one or more of these characteristics.”

Any person who violates section 51.7 is liable for each and every offense for the actual damage suffered by any person determined by a court of law. Damages shall be paid to the victim by the offender as follows:

- ◆ Up to a maximum of three times the amount of actual damages.
- ◆ A civil penalty of ten thousand dollars (\$10,000); and
- ◆ Attorney's fees as may be determined by the court.



The City of Long Beach
Human Dignity Policy (Est. 1998)

“Everyone should be treated with courtesy and respect, regardless of their racial background, their nation of origin, the religion they practice, their sexual orientation, gender, or disability status...It is the right of all residents to pursue their daily lives with the knowledge that they will not be threatened with violence or physical harm...The City will vigorously fight criminal activity known as hate crimes with all resources at its disposal.”

If You Have Been the Victim of a Hate Crime or Bias-Motivated Incident:

Call the Long Beach Police Department

In an emergency, call: 9-1-1

For a non-emergency, call: (562) 435-6711

—AND—

Call the City of Long Beach Human Dignity Program
Hate Crime Response Team
562-570-6730 [Hotline]

You may also call the Hate Crimes Hotline monitored by The LGBTQ Center of Greater Long Beach at **(562) 433-8595**.

When the police officers arrive, you can expect to be treated professionally. The officers will document the facts and call a field supervisor to the scene. If the assailant uses derogatory names, inform the officer so it may be added to the report. You will be given a crime report number to follow the progress of your case. If you wish, the City of Long Beach Human Dignity Program *Hate Crimes Response Team* can contact and/or visit you to offer support and helpful resources.

How to Avoid Danger...

- ✧ Avoid walking alone
- ✧ Stay in well lit areas
- ✧ Walk confidently
- ✧ Always have your keys ready
- ✧ Lock your car at all times
- ✧ Do not respond to verbal taunts
- ✧ Don't be brave! If you're in danger, yell, blow a whistle, or run!

A Special Message from the LONG BEACH POLICE CHIEF'S LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUESTIONING (LGBTQ) ADVISORY GROUP

When we in the LGBTQ community tolerate acts of violence against us, or refuse to report these crimes, we send the message that we can be victims of attacks and the suspects pay no price for perpetrating these crimes. The past tells us that LGBTQ victims have been reluctant to contact the police for fear that their assault may not be treated appropriately by officers. Many leaders of our community have worked hard to establish increased awareness and sensitivity within the Long Beach Police Department, and we believe that goal has been realized. We must report these crimes, and work with the police department in bringing them to justice.